
City of Reading City Council

Regular Meeting Monday, July 14, 2008

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Pastor Quentin Wallace of St. Matthew's United Methodist Church.

All present pledged allegiance to the flag.

ATTENDANCE

Council President Spencer
Councilor S. Fuhs, District 1
Councilor M. Goodman-Hinnershitz, District 2
Councilor D. Sterner, District 3
Councilor S. Marmarou, District 4
Councilor J. Waltman, District 6

Acting Managing Director R. Hottenstein
Public Works Director C. Jones
City Solicitor C. Younger
City Auditor D. Cituk
City Clerk L. Kelleher

PROCLAMATIONS AND PRESENTATIONS

City Council issued a commendation recognizing the 85th Anniversary of the Bethel AME Church. The commendation was accepted by Pastor Delishia Boykin Wilson.

PUBLIC COMMENT

Council President Spencer announced that four individuals were registered to address Council on Non-Agenda matters. He inquired if any of the Councilors objected to suspending the rule requiring those commenting on Non-Agenda matters to speak after Council's legislative action was concluded. As no one objected, the rule was suspended. Council President Spencer reminded those registered to speak of the remaining public speaking rules listed on the Agenda.

Carolyn Young, of North 2nd Street, took issue with the collection fees charged by Portnoff and her attempts to negotiate a settlement agreement.

Norma Hoffman, of Locust Street, was not present.

Leon McDevitt Jr., of Shillington, expressed his views on the proposed Riverview Development. He expressed the belief that the deal is misguided and not in the best interest of the City or its residents.

Lisa Kneer, of Arlington Street, described the quality of life issues caused by loud mufflers on vehicles. She expressed the belief that the type of noise violation is a gateway to further criminal activity. She expressed the belief that many of those driving down Arlington Street are not licensed and are already participating in criminal activity.

THE AGENDA AND THE MINUTES

Council President Spencer called Council's attention to the Agenda for the July 14th Regular Meeting and to the minutes from the June 23rd Regular Meeting of Council. He stated that the following agenda amendments were recommended in the Committee of the Whole session as follows:

- Introduce an Ordinance Amending the Housing Permit Process.
- Introduce an Ordinance which will amend the zoning map through the addition of a PRD overlay over a portion of Southwest Reading.
- Introducing amendment to the zoning ordinance pertaining to the definition of student housing and amending the ordinance to change special exception approval to conditional use approval.

Council President Spencer stated that a motion to approve the minutes and the agenda as amended would include the legislation under the consent agenda heading.

Councilor Fuhs moved, seconded by Councilor Sterner, to approve the Agenda as amended, including the legislation listed under the consent agenda heading and the minutes from the June 23rd Regular Meeting of Council.

Consent Agenda Legislation

68-2008 – authorizing the application to seek the reimbursement expenses incurred pursuant to the Municipal Police Officers Education and Training Act. **(Police Dept)**

Award of Contract – Wachovia Bank, 600 Penn Street, Reading, PA 19602, at a total six-year lease price of \$338,779.74 for the Bank Lease of Police Vehicles **(Purchasing)**

69-2008 – Authorizing The Scheduling Of A Hearing On, Advertisement, And Forwarding For Comment Change In The City Of Reading Zoning

Ordinance To Creating, Adding And Defining The Use Of Student Home As A Special Exception And Requirements therefore In The R-1a (Residential), R-1 (Residential) And R-2 (Residential) And As A Permitted Use In R-3 City Of Reading Zoning District (**Public Safety Committee & Law Department**)

ADMINISTRATIVE REPORTS

Acting Managing Director Mr. Hottenstein highlighted the report distributed to Council at the meeting covering the following:

- Ribbon Cutting Ceremony for the opening of City Park Playground on Wed July 30th at 10:30 AM.
- Ribbon Cutting Ceremony for the opening of Angelica Creek Park on Monday July 28th at 10:00 AM.
- Initiations of a used tire pick up program for residential properties– 4 tires per collection and a maximum of 12 tires per household per year.

Councilor Waltman noted the new emphasis that will be placed on codes enforcement. He stated that landlords will have to comply with the City's regulations. He suggested that tenants make sure that their landlord is in compliance with City regulations by, in part, having their housing permit posted in a conspicuous area.

Councilor Goodman–Hinnershitz noted that the accident occurring in the 600 Block of North Front Street is one that combines codes enforcement along with parental and individual responsibility. She described the new quality of life issue caused by young adults walking across the roofs of residential properties.

AUDITORS REPORT

City Auditor Dave Cituk read the report distributed to Council at the meeting covering the following:

- 2008 Admissions Fee tax Collection
- Update on 2007 External Audit

BOARDS AUTHORITIES AND COMMISSIONS

Dave Runyan, City Arborist, representing the Shade Tree Commission provided an update on the permits pulled for tree trimming and removal. He stated that the Adopted Tree Program run by the Shade Tree Commission purchased 140 trees for 2008: 32 of the trees were planted by the City staff and 118 were delivered to City residents. He explained that the clearing at the Pagoda is complete. The group will next focus on land clearing at the Skyline Overlooks. He stated that 380 dead trees were removed along Duryea Drive over the past months. He also described efforts to address street trees, tree trimming, and hazardous trees. He stated that the Shade Tree Commission is also working on a Shade Tree Assessment.

Councilor Waltman inquired if the Shade Tree Assessment will include trees that interfere with street lighting. Mr. Runyan stated that street lighting issues are included and the group is addressing trees in the City's main thoroughfares first. He explained that he is working with traffic engineering to handle those issues. He also noted the Commission's intent to involve neighbors in the process.

Councilor Goodman-Hinnershitz noted the need for Mr. Runyan and the Shade Tree Commission to develop a strong relationship with Met-Ed. She noted the tremendous work of Met-Ed to clear trees away from wires. She asked Mr. Runyan to check the area around Central Catholic as during storms felled trees damaged power lines during storms. Mr. Runyan stated that this will be addressed along with the removal of foliage hanging over the public cart way.

ORDINANCES FOR FINAL PASSAGE

Bill No. 47-2008 – amending the Zoning Ordinance and Zoning Map by changing the R-3 zoning designation to an R-2 zoning designation in Council District 1 to include parcels with the parcel identification numbers (PIN) 530654145536 and 530653140352 (**Councilor Fuhs**)
Introduced at the May 12 regular meeting, Public Hearing held on Tues, June 24 at 5 p.m.

Councilor Marmarou moved, seconded by Councilor Baez, to enact Bill 47-2008.

Councilor Fuhs explained that the two parcels affected by this zoning amendment currently belong to the Naval Marine Center and the State Police Barracks. He explained that this re-zoning will keep the future land use of these parcels compatible with the single-family, low density quality of life of the surrounding neighborhoods.

Council President Spencer announced that this Ordinance was introduced at the May 12th Regular Meeting of Council and after public notification a Public Hearing was held on Tuesday June 24th.

Councilor Goodman-Hinnershitz inquired if an advisory opinion was received by the City Planning Commission. Councilor Fuhs replied the City Planning Commission does not support this change due to lack of sufficient information about the intent of the amendment.

City Clerk Kelleher reported that numerous calls in support of this change were received from residents of this area.

Bill 47-2008 was enacted by the following vote:

**Yea – Baez, Fuhs, Marmarou, Sterner, Waltman, Spencer, President
– 6**

Nays – Goodman-Hinnershitz – 1

Bill No 48–2008 - amending the Zoning Ordinance and Map by changing the Residential Outlet zoning designation to Commercial Neighborhood designation in City Council District 6. (Councilor Waltman) *introduced at the May 12 regular meeting. Public Hearing held on Tues, June 24 at 5 p.m.*

Councilor Fuhs moved, seconded by Councilor Baez, to enact Bill 48–2008.

Council President Spencer announced that the City Planning Commission’s advisory opinion suggested an amendment that would apply this change to only the formal outlet buildings.

Councilor Waltman stated his belief that this change will remove some red tape and allow for the proper redevelopment of this area while providing off street parking requirements.

Councilor Goodman–Hinnershitz noted that two residents of this area spoke in support of the change of change at the Public Hearing.

Bill 48–2008 was enacted by the following vote:

Yea – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner, Waltman, Spencer, President – 7

Nays – 0

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following Ordinances into the record:

Ordinance – Storm Water Management (Public Works/Solicitor)

Ordinance – amending the City’s Code of Ordinances, Chapter 24 Taxation, and Part 5 by adding a provision relating to the business privilege tax regulation’s procedure for determining manufacturing exemptions and by adding a refund claim provision. **(Tax Division and Law Department)**

Ordinance – Amending the 2008 Full-Time position Ordinance by reducing the number of police officers to 2008 and the number of firefighters to 145. **(Council Pres. Spencer)**

Ordinance – Amending The City Of Reading Zoning Ordinance Per Exhibit “A,” To Create, Add And Define The Use Of Student Home As A Special Exception And Requirements Therefore In The City Of Reading R-1a (Residential), R-1 (Residential) And R-2 (Residential) Zoning Districts And As A Permitted Use In R-3 (Residential) City of Reading Zoning Districts **(Public Safety Committee & Law Department)**

Note: Ordinance amended at this meeting to change Special Exception to Conditional Use.

Ordinance – An Ordinance Of The City Of Reading To Adopt An Amendment To The Zoning Ordinance To Create A New Riverfront Redevelopment Overlay Zoning District And To Apply The New District To Lands Along The North Side Of The Schuylkill River In Areas South Of Penn St. Including Areas Along S. 2nd St., Front St. And Riverfront Dr., And Along The Length Of The Canal Street Corridor Including Areas South Of Laurel St. And West Of Minor St. **(Law Department)**

Ordinance – amending the City of Reading housing – rental Ordinance by including the terms and definitions of students, student home, and student housing.

RESOLUTIONS

Resolution 70-2008 - authorizing the Administration to enter into a professional services agreement with Hill International/Weston Solutions/Hazen and Sawyer for project management, construction management, and related services for the City of Reading waste water treatment plant upgrades project at a cost of \$7,825,025 (**Public Works**)

Councilor Baez moved, seconded by Councilor Fuhs, to adopt Resolution 70-2008.

Councilor Fuhs expressed the belief that the process should be bifurcated to provide the proper checks and balances. He stated that originally the Administration decided to use the project and construction manager to relieve the workload of Public Works staff. He noted that at the outset the Administration recommended using two separate contractors: one to handle the project management and one to handle the construction management. He expressed the belief that a project of this magnitude needs many eyes. He stated that he will not support the Resolution as presented.

Councilor Waltman he will not support the Resolution for a different reason. He stated that he has withdrawn his support due to Council's inability to review the proposals and question the contractors. He also noted his disagreement with the process flow. He noted the need for Council to ask questions so they can make an educated decision.

Councilor Baez stated that she will support the Resolution due to her belief in the skill of the professionals who participated on the review committee.

Councilor Goodman-Hinnershitz expressed the belief that questions on this issue should have been addressed much earlier. She noted the need to address process used before recommendation is brought forward by

the Administration. She suggested using a Memorandum of Agreement on future processes.

Councilor Sterner expressed his trust in the recommendations made by the Administration and review committee. He noted the complexity of the issue and his faith in the qualifications of the recommended firm.

Councilor Marmarou noted the Administration's agreement two or three years ago to include a Council Representative in the review process for all projects and contracts having to do with the consent decree. He asked the Administration why they avoided including Council in the process.

Councilor Sterner expressed the belief that if Council wanted to participate they should have been more forceful.

Councilor Fuhs stated that this is the largest most expensive project conducted in this region and the largest most expensive project City Council will ever approve.

Councilor Waltman stated that it is completely appropriate for Council to question all recommendations before enacting or approving the recommendations made by the Administration to the body of Council. He stressed the need for the breakdown in the process to be corrected as the waste water treatment plant project continues to evolve. He agreed with suggestion to develop a Memorandum of Agreement, which will define remaining project needs.

Council President Spencer expressed the belief that the breakdown in the process occurred soon after the RFP was put out to bid. He noted that if this resolution fails to be approved the Administration will need to conduct a re-bid. He noted the times Council was held hostage on many issues and decisions revolving dissent decree projects.

Resolution 70–2008 was not adopted by the following vote:

Yea – Baez, Goodman–Hinnershitz, Sterner – 3

Nays – Fuhs, Marmarou, Waltman, Spencer President – 4

Resolution 64–2008 – authorizing the execution of the attached Cooperation Agreement and Voluntary Payment Agreement between the City of Reading, County of Berks, Reading School District, and the City of Reading Housing Authority concerning taxes for land situated at 100 North Second Street and 110 North Second Street and 101 Pear Street, site of proposed Goggle Works Apartment Project. **(Solicitor) *Tabled at the June 23 regular meeting***

Councilor Marmarou moved, seconded by Councilor Waltman, to adopt Resolution 64–2008.

Council President Spencer explained that the Goggle Works Apartments, after construction, will be owned by the Housing Authority, which is a tax exempt organization. He explained that the agreement will provide and create a tax payment schedule, which will increase over the schedule included in the agreement.

Councilor Waltman noted the commitment of Our City of Reading to assist the City in redeveloping Reading. He stated that ground breaking is expected around August 8th.

Councilor Goodman–Hinnershitz expressed her belief in the unique approach which created a win–win situation. She noted that this is the first in a series of development issues that could help set precedents.

Councilor Fuhs inquired why the two exhibits were not attached to the Resolution. City Solicitor Younger explained the language in the attachments.

Resolution 64–2008 was adopted by the following vote:

**Yea – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner,
Waltman, Spencer President – 7**

Nays – 0

Resolution 71–2008 – To amend the FFY2008 one year Action and the FFY2004 to FFY2008 five year Consolidated Plans to transfer a total of \$366,460 in un-programmed CDBG funds for the following activities:

- \$82,000 for the Orange and Cherry Streets Park/Playground activity.
- \$48,500 for the Essick Playground activity located at 527 Oley St.
- \$89,000 for the 3rd and Spring Streets Playground activity.
- \$47,000 for the Installation of Handicap Ramps activity located at 13th & Cotton Sts., NE, SE corners, 14th & Cotton Sts., NW, NE, SW, SE corners, 16th & Cotton Sts., NW, NE, SW, SE corners, 16th & Cotton Sts., SW, SE corners, 15 1/2 & Cotton Sts., SW, SE corners, Printz & Cotton Sts., NW, NE corners, 15th & Cotton Sts., NW, NE corners, 17 1/2 & Cotton Sts., SE corners, 18th & Cotton Sts., NW, SW corners.
- \$99,960 for the installation of permanent Litter Baskets activity. The baskets will be permanently located near schools, parks, and other public buildings throughout the city. **(Community Development)**

Councilor Goodman–Hinnershitz moved, seconded by Councilor Baez, to adopt Resolution 71–2008.

Councilor Fuhs inquired how the location of the handicap ramps was made. Mr. Hottenstein explained that the decision was based on a rating study prepared by traffic engineering.

Councilor Fuhs inquired how many litter baskets will be purchased. Mr. Hottenstein stated that the number of baskets was unknown. He stated that the trash and litter will be collected by City personnel.

Ms. Kelleher inquired if these baskets will be combination trash and recycling baskets as was discussed in previous Public Works Meetings. Mr. Hottenstein stated that he did not know if the combination baskets were included.

Councilor Marmarou inquired if members of the public can provide input on the location of handicapped ramps. Mr. Hottenstein stated that the study completed by the Public Works traffic engineering office includes public input.

Councilor Marmarou asked the Administration to inquire about shared collection from the litter baskets with the School District.

Councilor Goodman-Hinnershitz noted that this amendment will provide funding for the Park Playground Project at the Orange and Cherry Street lot as requested by St. James Church. She noted the public safety improvements accomplished through the handicapped curb program. She also noted the need for the Administration to more strictly monitor illegal dumping and the City's trash bins.

Council President Spencer inquired if the handicap ramp program will continue in the future. Mr. Hottenstein stated that the program will continue in CDBG eligible areas.

Council President inquired if the Administration coordinates the litter basket program with the educational programs conducted in city schools.

Mr. Hottenstein stated that he is unsure if that coordination exists.

Council President Spencer inquired if the receptacles could be decorated in a mural like manner.

Resolution 71–2008 was enacted by the following vote:

**Yea – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner,
Waltman, Spencer President – 7**

Nays – 0

**Resolution 72–2008 – hiring Daniel Cedeno–Erazo as a police officer
(Police Department)**

**Councilor Fuhs moved, seconded by Councilor Baez, to adopt Resolution
72–2008**

Council President noted that all three candidates begin working for the City as of June 30th.

Councilor Goodman–Hinnershitz questioned if Councilors approving the appointment or are merely ratifying them.

Ms. Kelleher suggested retaining the language on the Resolution until further information is obtained on police appointments under the Civil Service Code.

Councilor Sterner inquired if the City must still employ Civil Service requirements due to the Home Rule Charter. City Solicitor Younger replied that use of Civil Service Regulations began under the Commission form of government.

City Clerk Kelleher added that a prior Solicitor stated that Civil Service regulations must be used as the Charter fails to include other provisions.

Resolution 72–2008 was enacted by the following vote:

**Yea – Baez, Fuhs, Goodman–Hinnershitz, Sterner, Waltman, Spencer
President – 6**

Nays – Marmarou – 1

Resolution 73–2008 – hiring Melville Fegely as a police officer (Police Department)

Councilor Baez moved, seconded by Councilor Strener, to adopt Resolution 73–2008.

Resolution 73–2008 was enacted by the following vote:

Yea – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7

Nays – 0

Resolution 74–2008 – hiring Charles Menges as a police officer (Police Department)

Councilor Waltman moved, seconded by Councilor Fuhs, to adopt Resolution 74–2008.

Resolution 74–2008 was enacted by the following vote:

Yea – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7

Nays – 0

Resolution 75–2008 – directing the Mayor to sign the Assignment of Mortgage for the River Oak Apartments (Solicitor/Reading Housing Authority)

Councilor Waltman moved, seconded by Councilor Fuhs, to adopt Resolution 75–2008.

Ed Stock Solicitor to the Reading Housing Authority explained the terms of both Resolution 75 and Resolution 76.

Resolution 75–2008 was adopted by the following vote:

Yea – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner, Waltman, Spencer President – 7

Nays – 0

Resolution 76–2008 – waiving the City’s portion of the transfer tax on the sale of the River Oak Apartments (Solicitor/Reading Housing Authority)

Councilor Waltman moved, seconded by Councilor Baez, to adopt Resolution 76–2008.

Councilor Sterner noted that these two agreements could set precedents for other organizations and projects within the City.

Council President Spencer stated that precedents will not be set as Council will have to consider future request individually.

Resolution 76–2008 was adopted by the following vote:

**Yea – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner,
Waltman, Spencer President – 7**

Nays – 0

Resolution 77–2008 – endorsing the formation of the Pagoda Foundation (Goodman–Hinnershitz)

Councilor Marmarou moved, seconded by Councilor Goodman–Hinnershitz, to adopt Resolution 77–2008.

Councilor Goodman–Hinnershitz explained that the Pagoda Foundation can provide for the future maintenance and operation of the City County landmark.

Councilor Waltman inquired if this Resolution approves a formation of the Pagoda Foundation or merely endorses it. Councilor Goodman–Hinnershitz replied that the adoption of this Resolution will only support the concept. She stated that the finalized agreement, bylaws, and 501C3 designations will all need Council approval. She noted that ownership will remain with the City; however, operation will be conducted by the foundation.

Councilor Fuhs noted the need for further discussion in the future that may consider an alternative direction. Councilor Goodman–Hinnershitz agreed noting that the steering Committee may offersuggestions for alternative practices.

Resolution 77–2008 was adopted by the following vote:

**Yea – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Waltman,
Sterner, Spencer, President – 7**

Nays – 0

COUNCIL COMMENT

Councilor Fuhs announced the upcoming activities in District 1.

Councilor Baez described the results of her recent meeting at Baer Park and walking tour of the area.

Councilor Goodman–Hinnershitz noted the recent tragedies occurring in District 2. She noted the need for improved work with neighborhood groups to assist residents and quality of life problems.

Councilor Goodman–Hinnershitz noted the community meeting planned for Thursday July 17th at Scrap Metal USA regarding quality of life issues brought on by the opening of this business.

Council President Spencer reminded the Administration that they need to begin discussing service and organizational changes that will occur with the adoption of the 2009 Budget.

Council President Spencer reminded all of the need to be considerate and obey the quality of life laws in affect in the City.

Councilor Marmarou his negative vote for Resolution 72–2008 was due to potential litigation involving the local, state, and federal FOPs.

Councilor Goodman–Hinnershitz moved, seconded by Councilor Sterner, to adjourn the Regular Meeting of Council.

Linda Kelleher
City Clerk